BILL NO. G-74-06-09

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# GENERAL ORDINANCE NO. G-2/-74

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley in the City of Fort Wayne

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission and resolution having been duly adopted by the Fort Wayne City Plan Commission on May 20, 1974 following a public hearing thereon, all in accordance with Section 44, Chapter 174 of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1964 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public alley in Fort Wayne, Allen County, Indiana, to-wit:

That portion of the North-south alley abutted on the east by Lot # 103 Electric Addition, on the west by the Norfolk & Western Railway (Wabash Division), extending south, from the south right-of-way of Brown Street, to the north right-of-way of the first east-west alley south of Brown Street

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

APPROVED AS TO FORM AND LEGALITY

ATTORNEY

Read the first time in full and on motion by Muckels -, seconded by	
. Achmat, and duly adopted, read the second time by title and referred	
to the Committee on Algulatiano (and the City Plan	
Commission for recommendation) and Public Hearing to be held after due legal notice	,
at the Council Chambers, City-County Building, Fort Wayne, Indiana, on ,,	
theday of, 197, at	
o'clock P.M., E.S.T.	
Date: 6-11-74. CITY CLERK	an
Read the third time in full and on motion by	
seconded by Acksmilt, and duly adopted, placed on its passage	
Passed (LOST) by the following vote:	
AYES	
BURNS	
HINGA	
KRAUS	
MOSES	
NUCKOLS	
SCHMIDT, D.	
SCHMIDT, V.	
STIER	
TALARICO / 1-44	
DATE: 7-9-74 Mull Cultural	De la constitución de la constit
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,	
as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance	
(Resolution) No. 13-21-74 on the Gidday of July, 1974	۷.
ATTEST: (SEAL) Samuel 1	
CITY CLERK PRESIDING OF THE	0
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the	£
day of , 197 , at the hom of	
Maybe Selection of the State of	-
CITY CLERK	- C
Approved and signed by me this / lot day of July , 1974,	
at the hour of 4.00 o'clock	
Show A John JJ	
MAYOR	

Speel mile menter

Bill No.	G-74-06-09	<u> </u>					
		REPORT	OF THE COMMIT	ree on <u>re</u> g	ULATIONS		
We, your	Committee on	Regulatio	ns	to whom was	referred an Or	dinance	•
	amending Ger	neral Ordinanc	e No. G-97 by	authorizing	the vacation o	of	
	a certain al	lley in the Ci	ty of Fort Way	me			
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have had	said Ordinanc	e under consi	deration and l	beg leave to	report back to	the Common	
Council t	hat said Ordi	nance D	PASS.	1	_		
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	ivian G. Schmi		irman	( livian)	A. Sohme	di	
	illiam T. Hing			Willen		Junga	
	aul M. Burns			Tand	A San	· m	_
	onald J. Schmi	đt		00	Schan	and the state of the same of t	
	DIRECTOR DEFINIT	/			- S-II KWEST W. W.		

CONCURRED IN CHARLES W. WESTERMAN, CITY CLERK

## RECEIPT

GENERAL FUND

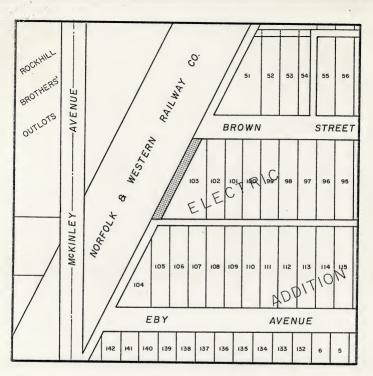
FT. WAYNE, IND. May 6 1974

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF What Low of N-5 alley swith

of Brown St (hot # 102 Elletry addn)



ALLEY TO BE VACATED





May 22, 1974

## COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the City of Fort Wayne City-County Building One Main Street Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

That portion of the North-south alley abutted on the east by Lot # 103 Electric Addition, on the west by the Norfolk & Western Railway (Wabash Division), extending south, from the south right-of-way of Brown Street, to the north right-of-way of the first east-west alley south of Brown Street.

which was approved by the City Plan Commission at its regular meeting held May 20, 1974.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this 22nd day of May, 1974.

Thomas J. Offeele

Andrew Secretary

#### PETITION TO VACATE ALLEY

TO: THE CITY PLAN COMMISSION CITY OF FORT WAYNE, INDIANA

THE BOARD OF PUBLIC WORKS CITY OF FORT WAYNE, INDIANA

#### Gentlemen:

The Undersigned, the Petitioners, do hereby respectfully petition
the City Flan Commission and the Board of Public Works of the City of
Fort Wayne, to vacate the following described alley within the City of
Fort Wayne, Allen County, Indiana, to-wit:

That portion of the North-south alley abutted on the east by Lot  $\ddagger$  103 Electric Addition, on the west by the Norfolk & Western Railway (Wabash Division), extending south, from the south right-of-way of Brown Street, to the north right-of-way of the first east-west alley south of Brown Street.

Your petitioners represent that:

- That they are the owners of the real estate abutting on the east side of the alley herein sought to be vacated.
- That the alley sought to be vacated has never been improved, nor is it a service alley.
- That said alley is not necessary as ingress or egress to any other property whatsoever.
- That said alley is used as a thoroughfare and as such is a nuisance to abutting property owners.
- 5. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof, as well as the immediately adjoining property owners that said alley be vacated as prayed.

Your Petitioners file this petition pursuant to the authority granted in Burns Indiana Statutes Annotated, Section 53-744, in order to complete the vacation as above described.

WHEREFORE, your Petitioners pray that the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

Charlie R. Smith

2315 Brown Street

(Lot # 103 Electric Addition)

Martha Smith 2315 Brown Street

(Lot # 103 Electric Addition)

### RESOLUTION

WHEREAS, CHARLIE R. and MARTHA SMITH, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley, located in the City of Fort Wayne, Allen County, Indiana, to-wit:

That portion of the North-south alley abutted on the east by Lot  $\pm$  103 Electric Addition, on the west by the Norfolk & Western Railway (Wabash Division), extending south, from the south right-of-way of Brown Street, to the north right-of-way of the first east-west alley south of Brown Street

all in accordance with the terms of Section 44, Chapter 174 of the Acts of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Indiana Statutes Annotated, 1964 Replacement, Section 53-744); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

NOW THEREFORE, BE IT RESOLVED, by the Fort Wayne City Flan

Commission that the vacation of said public alley hereinbefore described

conforms to the general policy and pattern of development set out in

the Master Flan of the City of Fort Wayne, Indiana; and,

BE IT FURTHER RESCLVED, by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved; and,

BE IT FURTHER RESOLVED, that the action of the Fort Wayne City

Flan Commission be forwarded to the Common Council of the City of Fort

Wayne for its action thereon.

I, James Kelley , President of
the Fort Wayne City Plan Commission, do hereby certify that the attached
hereto is a full, true and correct copy of a resolution adopted by the
Fort Wayne City Plan Commission following a Public Hearing of said
Commission held on the 20th day of May , 1974,
and as the same appears on record in the official records of the Plan
Commission.
Dated this day of, 1974

STATE OF INDIANA )
) SS:
COUNTY OF ALLEN )

President
Fort Wayne City Plan Commission

Admn. Appr.

TITLE OF ORDINANCE Alley vacation ordinance	12-14-06-08
DEPARTMENT REQUESTING ORDINANCECity Plan (	Commission
SYNOPSIS OF ORDINANCE Preparation of an alley vi	acation ordinance petition
initiated by property owners to vacate portions of	the following described
alley.	
That portion of the North-South alley abutted on	the east by Lot # 103
Electric Addition, on the west by the Norfolk & Wes	stern Railway (Wabash
Division), extending south, from the south right-o	f-way of Brown Street,
to the north right-of-way of the first east-west a	lley south of Brown Street.
*	
EFFECT OF PASSAGEAlley is presently unimproved.	lf vacated, alley
would be utilized by abutting property owners.	
EFFECT OF NON-PASSAGE Alley would remain	as is.
-	
MONEY INVOLVED (Direct Costs, Expenditures, Savings)	none
	:
ASSIGNED TO COMMITTEE (J.N.) Regul	ations



#### CITY OF FORT WAYNE

CHARLES W. WESTERMAN CITY CLIRK FORT WAYNE, INDIANA

July 11, 1974

Miss Helen Libbing Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of July 13 and July 20, 1974, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, Indiana

> Bill No. G-74-06-09 General Ordinance No. G-21-74

> Bill No. G-74-06-07 General Ordinance No. G-20-74

> Bill No. G-74-06-13 General Ordinance No. G-19-74

Please send us five (5) copies of the Publisher's Affidavit from each paper. Thank you.

Sincerely yours,

Charles W. Westerman

les. W. Wtesterman

City Clerk

CWW/ne ENCL: 3

amount)	charge for notices	containing rule or t	aoular work (50 per ce	ent of above	
					1.50
Notice is hereby given that on the 9th day of July, 1974, the Common Council of the City of Fort Wayne, Indiano, in a Regular session did pass the following Bill No. G-74 06-09 G-21-74 General Ordinance, to-wit:	extra proofs of pul	blication (50 cents for	each proof in excess o	of two)	
Session did pass the following Bill No. G-74 06-09 G-21-74 General Ordinance, to-wit:	TAL AMOUNT OF	CLAIM			. 30.59
GENERAL ORDINANCE NO. G-21-74					•
AN ORDINANCE amending General Or- dinance No. 9-97 by authorizing the voca- tion of a certain alley in the City of For-	ita acom				
Worne, DE IT OPPONIED BY THE COMMON	G COST				
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:					
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20, 1974 following a public hearing there on, all in accordance with Section 4:	insertions 2		Size of quad up	pon which type	is cast5.2
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1964 Replacement Sec. 53-744), 1h Thoroughtore Plon as set forth in Ger					
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& Western Rallway (Wabash Division), extending south, from the south right-of-					
of-way of the first east-west alley south of Brown Street.	, 1974		T	itle	CLERK
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Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of		PUBLISHER	8 AFFIDAVIT		
Annu Sul Hooke E-mission with the sur- tion of a certain city in the City of Fe EE TO CROALINES BY THE COMMON WATER INVALABLE  MAY THE COMMON WATER INVALABLE  OF THE COMMON WATER INVALABLE  THE COMMO	e	ALLEN County	sa:		
Indiana. SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal pub		Domest County			
full force and effect from and after its pas- sage, approval by the Mayor and legal pub- lication thereof.		undersigned		1.0	or said county and state, the
Read the third time in full and on motion	n	•			who, being duly sworn, says
by Nuckols, seconded by V. Schmidt, did duly adopted, placed on its passage.		that she is	RNAL-GAZETTE		of the
Ayes: Nine Burns, Hinga, Kraus, Moses, Nuckols, D.		DAILY			
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Date: 7-9-74 CHARLES W. WESTERMAN CHORLES W. WESTERMAN Passed and adapted by the Common Council of the City of Fort Wayne, Indiana, Sa General Ordinance No. G-21-74 on the 9th day of July, 1974. ATTEST (SEAL)	OPY OF	in the English lang	town of	FORT WAYNE	INDIANA
Passed and adapted by the Common		m state and county	atoresaid, and that the j	printed matter a	ttached hereto is a true copy,
9th day of July, 1974. ATTEST (SEAL)		which was duly pub as follows:	lished in said paper for_	2_time_S,	he dates of publication being
City Cleri	A Company of the State of the S		-20/74		
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of July, 1974, of the hour of 11:00 o'clock		SC .	,		0 ./
of Fort Wayne, Indiana, on the 10th day of July, 1974, of the hour of 11:00 o'clock A.M., E.S.T.	CALL THE TANK	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		Henry	1. D. Kell
CHARLES W. WESTERMAN		Subscribed and swo	rn to before me this	22nd - K	July /19 7/
CHARLES W. WESTERMAN City Cleri Approved and signed by me this 10th day of July, 1974, at the hour of 4:00 o'clock P.M., E.S.T.	The state of the s	25		6mer	C Semple
IVAN A. LEBAMOFI	A CONTRACTOR				ry Public
IVAN A. LESAMUHI  IVAN A. LESAMUHI  I. Charles W. Westerman, Clerk knyo  City of Fort Woyne, Indiana, do hereby cer- lity that the above and foregoing is a full inve and complete copy of General Ordi-  rue and complete copy of General Ordi-  council on the 9th day of July, 1974, and that sold Ordinance was duly signed and pproved by the Mayor on the 10th day of	( P. C. 1000)	My commission exp	ires October 25,	1975	
true and complete copy of General Ordi- nance No. G-21-74 passed by the Common					
Council on the 9th day of July, 1974, and that sold Ordinance was duly signed and	Water State of the				
July, 1974 and now remains on file and on record in my office.		,			
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 10th day of July, 1974.					
10th day of July, 1974. CHARLES W. WESTERMAN					
7—13-20 City Cleri					

	y State Board of Accou	uta -	-		General Form No. 99	
Ft. Wayne Co	mmon Council		13	To JOURNA	L-GAZETTE	
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Allen	County,	Ind.	2	FOR1 V	AYNE, INDIANA	
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Tail	number of lines				2	
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	and per line				\$ 29	9.0
amount)	charge for notice	es containing rule or	tabular work (50	per cent of above		
Notice is hereby given that on the 9th day	1					Ξ.
Notice is hereby given that on the 9th day 1 July, 1974, the Common Council of the tity of Fort Wayne, Indiana, in a Regular ession did pass the following Bill No. G-74 -99 G-21-74 General Ordinance, to the BILL NO. G-74-05-69 -99 DELLAND CONTROLL OF NO. CO. 74	extra proofs of pu	blication (50 cents fo	r each proof in ex-	ress of two)		L.5
BILL NO. G-74-06-09 GENERAL ORDINANCE NO. G-21-74 AN ORDINANCE amending General Or- inance No. 9-97 by authorizing the vaca	TAL AMOUNT OF	CLAIM			• 30	0.5
on or a certain alley in the City of For Javne.	1				*	
BE IT ORDAINED BY THE COMMON OUNCIL OF THE CITY OF FORT YAYNE, INDIANA:	G COST					
SECTION 1. Petition for the vacation of certain alley having been filed with the ort Wayne City Plan Commission and res- iution having been duly adopted by the	e e					
ort Wayne City Plan Commission on Ma 0, 1974 following a public hearing there	gle column 11 en	ns	Size of ty	pe5½ point		
b) Wayne City Fran Commission on Mo b), 1974 following tr public hearing there n, all in accordance with Section 4 hopter 174 of the Acts of the General ssembly of the State of Indiana, or mended by Section 3, Chapter 385, c cts of 1983 of the General Assembly	insertions 2		6:			
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Replacement Sec. 53-744), th horoughtare Plan as set forth in Ger rai Ordinance No. G-97 adopted by the	n and penalties o	of Ch. 89, Acts 1967,				-
n November 26, 1963, is amended by delet		at is just and account				
That portion of the North-south alley abutted on the east by Lot No. 103 Elec-	of the same has b	een paid.	that the amount	claimed is legally	due, after allowing all jus	ıt
tric Addition, on the west by the Norfolk & Western Rollway (Wabash Divisian), extending south, from the south right-of-				2	. Serken	
way of Brown Street, to the north right- of-way of the first east-west alley south of Brown Street.	4			V. C	· ceres	
SECTION 2. After passage of this Ordi ance, approval by the Mayor and lega ublication, a duly certified copy of this radinance, of the recommendation of the	, 19 74			Title	lerk	
ort Wayne City Plan Commission, and ore action of the Mayor, shall be trans nitted by the City Clerk to the Board of Public Warks of the City of Fort Wayne		PUBLISHER'S A	AFFIDAVIT			
Public Works of the City of Fort Wayne adiana. SECTION 3. This Ordinance shall be in force and effect from and after its pas		State of Indiana	and and			
ull force and effect from and after its pas age, approval by the Mayor and legal publication thereof.		ALLEN County	xw:			
Read the third time in full and on motion by Nuckols, seconded by V. Schmidt, and buly adopted, placed on its passage	1	Personally appeare	d before me, a nor	ary public in and f	or said county and state, th	e
		that Si.	v.E.Gerken	rk	or said county and state, th	18
ASSED by the following vote: Ayes: Nine Burns, Hinga, Kraus, Moses, Nuckols, D chmidt, V. Schmidt, Stier, Tolarico Nays: None Date: 7-9-74 CHARLES W. WESTERMAI		***************************************	MEMO-	-SENTINEL		
CHARLES W. WESTERMAI City Cler Passed and adopted by the Common	k ny on	a	DAILI	newspaper of genera	d circulation printed and auditable	
CHARLES W. WESTERMAL City Cere Pussed and adopted by the Common council of the City of Fort Wayne, Indiana is General Ordinance No. G-21-74 on the floor of July, 1974. CITEST (SEAL) CHARLES W. WESTERMAL	NT HERE	in the English language	in the city } of	FORT WAYNE,	INDIANA	
City Cler	K	in state and county afor	resaid, and that the pri	inted matter attached he	reto is a true copy, which was duly	
SAMUEL J. TALARIC Presented by me to the Mayor of the City f Fort Wayne, Indiana, on the 10th day o uly, 1974, at the hour of 11:00 o'cloc		published in said paper	for			
uly, 1974, at the hour of 11:00 o'cloc		as follows:			, the dates of publication being	
Approved and signed by me this 10th day  f July, 1974, at the hour of 4:00 o'clack			0/74			
IVAN A. LEBAMOF	F COMPANY STATES	· sychol		- A	<i></i>	
I, Charles W. Westerman, Clerk of the ity of Fort Wayne, Indiana, do hereby cer fy that the above and toregoing is a full					E. Serken	
rue and complete copy of General Ordi ance No. G-21-74 passed by the Commor council on the 9th day at July, 1974, and not said Ordinance was duly signed and pproved by the Mayor on the 10th day of	The Paris	Subscribed and sworn to		0-1	July 19 74	
uly, 1974 and now remains on tile and of	1		*****	- Amin		
ecord in my office. WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this oth day of July, 1974. CHARLES W. WESTERMAN		My commission expires	October	25. 1975 Note	ry Public	
CHARLES W. WESTERMAN	k					

		Accounts	General Form No	5. 99 P (Rev 19
	nchl of Ft. Way (Governmental Unit)		ToNEWSSENT.INEL	
	· ·			
Allen	C	ounty, Ind.	FORT WAYNE, IN	DIANA
		PUBLISHER'S	CLAIM	
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